

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JULIA ZIMMERMAN,

Plaintiff,

Case No. 2:23-cv-11634-NGE-APP

vs.

Judge: Hon. Nancy G. Edmunds
Magistrate Judge:

Hon. Anthony P. Patti

ELIZABETH A. PENSLER, D.O., PLLC
(d/b/a “Pensler Vein and Vascular”,
“Pensler Vein and Vascular Surgical
Institute”, and “Elizabeth Face +
Body Med Spa”) *et al.*

Defendants.

DEBORAH GORDON LAW

Deborah L. Gordon (P27058)
Elizabeth Marzotto Taylor (P82061)
Sarah Gordon Thomas (P83935)
Molly Savage (P84472)

Attorneys for the Plaintiff

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**THE HEALTH LAW
PARTNERS, P.C.**

Clinton Mikel (P73496)

Attorneys for the Defendants

Elizabeth A. Pensler, D.O., PLLC
(d/b/a “Pensler Vein and Vascular
“Pensler Vein and Vascular Surgical
Institute”, and “Elizabeth Face +
Body Med Spa”); Elizabeth Med
Spa, PLLC Derek L. Hill, D.O.,
PLLC; (d/b/a “Hill Orthopedics”),
Elizabeth Pensler, D.O. and
Derek Hill, D.O.
3200 Northwestern, #240
Farmington Hill, MI 48334
Tel: (248) 996-8510
cmikel@thehlp.com

DECLARATION OF DEREK HILL, D.O.

I, Derek Hill D.O., do hereby declare the following to be true and correct to the best of my knowledge, information, and belief.

1. I am a resident of Michigan. I am over the age of eighteen and I am competent to provide this Declaration.
2. I am licensed to practice Medicine in Michigan.
3. I am a named Defendant in the above captioned action.
4. I am the owner of Derek L. Hill, D.O., PLLC (d/b/a "Hill Orthopedics") ("**Hill Orthopedics**") and I have been the sole owner of the PLLC/company and its practice since its inception.
5. Hill Orthopedics is a named Defendant in the above captioned action.
6. In my capacity as the sole owner of Hill Orthopedics, I have personal knowledge the PLLC's business records, email servers, emails, and email chains that are used, sent, and/or received in the normal course of business of Hill Orthopedics.
7. I also have personal knowledge of any business records, emails, email chains, and email servers that are used, sent, and/or received by me at the email address: dhill@drhill.com.
8. Attached to this declaration is the following **Exhibit**, of which I have personal knowledge. The exhibit is an email chain sent by Julia Zimmerman on

May 8, 2023 (which incorporates an April 13, 2023, email), to my business email address, dhill@drhill.com, with copies to Elizabeth Pensler, D.O. at epensler@yahoo.com, and three employees of Hill Orthopedics (i.e., pavlina@drhill.com; Simrath@drhill.com and marissa@drhill.com). This email chain was: (a) sent in the normal course of business of Hill Orthopedics to my business email address; (b) it is the normal course of business/regular practice of Hill Orthopedics and myself as owner of the business (i.e., dhill@drhill.com) to communicate by email and to retain and not delete emails; (c) the email chain was made/sent/transmitted at/around the times indicated thereon (below) and received by me (a person with personal knowledge) at the email dhill@drhill.com, at/around the times indicated thereon. I further attest that the email chain identified below and attached as **EXHIBIT A**, is a true and accurate copy of the following email chain:

EXHIBIT A - email chain from Julia Zimmerman to Dr. Hill, et. al, sent on Monday, May 8, 2023, 9:07 AM. This email chain references an email from Julia Zimmerman to Dr. Hill, et. al, Thursday, April 13, 2023, 11:48 a.m., and contains a supplemental email from Ms. Zimmerman to Dr. Hill, et al. on May 8, 2023, at 11:34 a.m.

9. In my capacity as owner of Hill Orthopedics and custodian of my own business email dhill@drhill.com, that is used for Hill Orthopedics, I conducted a thorough search, including a final search on September 22, 2023, of all of the Hill

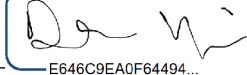
Orthopedic servers (including my email address) and emails that would or could have been sent by Julia Zimmerman on May 8, 2023, to Hill Orthopedics, its staff, or myself and I attest that to the best of my knowledge and based upon my search that **EXHIBIT A** is only email chain (and/or email) that was/could have been sent by Julia Zimmerman on May 8, 2023, and/or received by Hill Orthopedics, its staff, or my business email from Julia Zimmerman, that is in any way related to the subject matter of the Complaint.

10. I attest that the facts provided in this Declaration are true, correct, and accurate to the best of my knowledge, and if called into court I would testify as to the same.

In accordance with 28 U.S.C. Section 1746, I declare under penalty of perjury that the forgoing is true and correct.

Date: September 25, 2023

DocuSigned by:



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Name: Derek Hill, D.O.